

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Terry Young,

Petitioner, : Case No. 3:09-cv-370

- vs -

: District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

Warden Deborah Timmerman-Cooper :

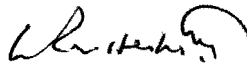
Respondent. :

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #7), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Petition is DISMISSED without prejudice for lack of subject matter jurisdiction. Petitioner is also DENIED leave to appeal *in forma pauperis* and any request for certificate of appealability.

May 14, 2010.



Walter Herbert Rice
United States District Judge